

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases 16-10444

The Hon. Judith E. Levy
United States District Judge

Bellwether III Case No. 17-10164

/

NOTICE OF OBJECTION
TO DESIGNATIONS OF PROTECTED MATERIAL

Pursuant to the Court’s December 19, 2019 Confidentiality Order [Case No. 16-cv-10444, ECF No. 299],¹ Plaintiffs challenge the designations of the following documents previously produced by the Veolia Defendants (“Veolia”), each of which has been designated CONFIDENTIAL:

1. VWNAOS319815-VWNAOS319816
2. VWNAOS321289
3. VWNAOS506679-VWNAOS506683
4. VWNAOS506686-VWNAOS506695
5. VWNAOS506701-VWNAOS506706
6. VWNAOS506712-VWNAOS506718
7. VWNAOS528079-VWNAOS528079.001

¹ See also Fifth Amended Case Management Order [Case No. 16-cv-10444, ECF No. 1255-3].

8. VWNAOS528080-VWNAOS528080.001
9. VWNAOS528081-VWNAOS528081.001
10. VWNAOS528118-VWNAOS528118.002
11. VWNAOS511012-VWNAOS511015
12. VWNAOS525610-VWNAOS525611
13. VWNAOS525994-VWNAOS525995
14. VWNAOS528141-VWNAOS528143
15. VWNAOS528466-VWNAOS528477
16. VWNAOS536235-VWNAOS536237
17. VWNAOS543519-VWNAOS543612
18. VWNAOS544490-VWNAOS544502
19. VWNAOS549102
20. VWNAOS555222-VWNAOS555223
21. VWNAOS557264-VWNAOS557264.0005
22. VWNAOS549103-VWNAOS549103.0011
23. VWNAOS559114-VWNAOS559114.0040
24. VWNAOS511323
25. VWNAOS520031-VWNAOS521985

Plaintiffs informed Veolia of their formal challenge to these designations on August 8, 2023 via email.² Veolia acknowledged the correspondence on August 11, 2023.³ Plaintiffs responded within the hour, advising our availability any time before Tuesday, August 22, 2023 to discuss this challenge.⁴ Veolia did not respond.

The subject documents do not contain confidential information under applicable law or pursuant to this Court's prior orders. Thus, because there is a profound public interest in the Flint Water Crisis and in this litigation (as Veolia and the Court have consistently stated); because the truth matters (as Veolia has vigorously and publicly argued);⁵ and in light of Veolia's significant public presence online and Veolia's continued public misinformation campaign,⁶ these documents must be de-designated as CONFIDENTIAL. Further, if any are made public, such would not cause oppression, competitive disadvantage, infringement of privacy

² August 3, 2023 correspondence to Veolia (Challenge to Confidentiality Designations), attached hereto as **Exhibit A** and incorporated by reference as if fully stated herein.

³ August 11, 2023 correspondence from Veolia (Responding to Confidentiality Challenge), attached hereto as **Exhibit B** and incorporated by reference as if fully stated herein.

⁴ Correspondence to Veolia (Plaintiffs are Available), attached hereto as **Exhibit C** and incorporated by reference as if fully stated herein.

⁵ See @VNAFlintFacts: Description of Twitter handle, attached hereto as **Exhibit D** and incorporated by reference as if fully stated herein.

⁶ See Declaration of Lauren H. Cohen, Ph.D., previously filed in Case No. 16-cv-10444 [ECF No. 2550], attached hereto as **Exhibit E** and incorporated by reference as if fully stated herein.

rights established by statute or regulation, or infringement of confidentiality requirements established by statute or regulation with respect to government purchasing or other operations. Conversely, and perhaps most importantly, doing so might begin to level the playing field.

Dated: August 22, 2023

Respectfully submitted,

/s/ Corey M. Stern

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CERTIFICATE OF SERVICE

I, Corey Stern, hereby certify that on August 17, 2023 the foregoing document and the attached exhibits were served on all counsel of record via the court's ECF system.

/s/ Corey M. Stern
Corey M. Stern